

Juanita R. Brooks, SBN 75934, brooks@fr.com  
Todd G. Miller, SBN 163200, miller@fr.com  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

*Additional counsel listed on following page*

Attorneys for Plaintiffs/Counterclaim Defendants  
Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc

Michael J. Abernathy (*admitted pro hac vice*) mabernathy@bellboyd.com  
Alan L. Barry (*admitted pro hac vice*) abarry@bellboyd.com  
Thomas L. Gemmell (*admitted pro hac vice*) tgemmell@bellboyd.com  
Sanjay K. Murthy (*admitted pro hac vice*) smurthy@bellboyd.com  
Bell, Boyd & Lloyd LLC  
70 West Madison Street, Suite 3100  
Chicago, IL 60602  
Telephone: (312) 372-1121  
Facsimile: (312) 827-8000

*Additional counsel listed on following page*

Attorneys for Defendants and Counterclaimants  
Baxter International Inc. and Baxter Healthcare Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,  
INC., a New York corporation; and FRESENIUS  
USA, INC., a Massachusetts corporation,

Plaintiffs and Counter-  
Defendants,

v.

BAXTER INTERNATIONAL, INC., a Delaware  
corporation; and BAXTER HEALTHCARE  
CORPORATION, a Delaware corporation,

Defendants and Counter-Plaintiffs.

Case No. C 03-01431 SBA (EDL)

**JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
BRIEFING SCHEDULE FOR POST-  
TRIAL MOTIONS**

Hearing Date: September 19, 2006  
Hearing Time: 1:00 PM  
Judge: Hon. Sandra Brown Armstrong  
Courtroom: Courtroom 3, Third Floor

*Additional Counsel Continued from previous page:*

Mathias W. Samuel, *pro hac vice*, samuel@fr.com  
Thomas S. McClenahan, SBN 203204, mcclenahan@fr.com  
Fish & Richardson P.C.  
60 South Sixth Street, Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

Robert A. Van Nest, SBN 84065, rav@kvn.com  
Stuart L. Gasner, SBN 164675, slg@kvn.com  
David J. Silbert, SBN 173128, djs@kvn.com  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

Limin Zheng, SBN 226875, zheng@fr.com  
S. Kameron Parvin, SBN 232349, parvin@fr.com  
Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94053  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

Attorneys for Plaintiffs/Counterclaim Defendants  
Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc.

Daniel J. Furniss, SBN 73531, djfurniss@townsend.com  
Townsend and Townsend and Crew LLP  
379 Lytton Avenue  
Palo Alto, CA 94301  
Telephone: (650) 326-2400  
Facsimile: (650) 326-2422

Patrick J. Kelleher (*admitted pro hac vice*) pkelleher@gcd.com  
GARDNER CARTON & DOUGLAS LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
Telephone: (312) 569-1000  
Facsimile: (312) 569-3000

Joseph P. Reagen (*admitted pro hac vice*) joseph\_reagen@baxter.com  
BAXTER HEALTHCARE CORPORATION  
One Baxter Parkway  
Deerfield, Illinois 60015

Attorneys for Defendants and Counterclaimants  
Baxter International Inc. and Baxter Healthcare Corporation

Whereas Plaintiffs FRESENIUS MEDICAL CARE HOLDINGS, INC. and FRESENIUS USA, INC. (collectively “Fresenius”) and Defendants BAXTER INTERNATIONAL, INC., and BAXTER HEALTHCARE CORPORATION (collectively “Baxter”) (Fresenius and Baxter shall be collectively referred to as the “Parties”) hereby STIPULATE as follows:

The Parties have met and conferred on a briefing schedule for all outstanding motions, including the submissions of proposed findings of fact and conclusions of law on the issue of inequitable conduct, as ordered by the Court in its July 10, 2006 Order [Docket No. 836]. The Parties agree as follows:

Event	Proposed Date
Entry of Judgment	July 14, 2006
Proposed Findings of Fact and Conclusions of Law Regarding Inequitable Conduct	July 21, 2006
Renewed JMOL Motions and Motions for a New Trial & Supporting Memorandum	July 28, 2006
Oppositions to Proposed Findings of Fact and Conclusions of Law Regarding Inequitable Conduct	July 28, 2006
Oppositions to Renewed JMOL Motions and Motions for a New Trial	August 16, 2006
Reply Memorandum in Support of Renewed JMOL Motions and Motions for a New Trial	August 23, 2006
Hearing Date	September 19, 2006

**SO STIPULATED:**

1 Dated: July 12, 2006

BELL, BOYD & LLOYD LLC

2  
3 By: s/ Sanjay K. Murthy  
Sanjay K. Murthy

4 Attorneys for Defendants/Counterclaimants  
5 BAXTER INTERNATIONAL, INC. AND  
6 BAXTER HEALTHCARE CORPORATION

7 Dated: July 12, 2006


FISH & RICHARDSON P.C.

8  
9 By: s/ Michael J. Pape  
10 Michael J. Pape

11 Attorneys for Plaintiffs/Counterdefendants  
12 FRESENIUS MEDICAL CARE HOLDINGS,  
13 INC. AND FRESENIUS USA, INC.

14 **SO ORDERED:**

15  
16 Dated: 7/17/06

  
17 Hon. Sandra B. Armstrong  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Michael J. Pape.

Dated: July 10, 2006

BELL, BOYD & LLOYD LLC

By: s/Sanjay K. Murthy

Sanjay K. Murthy

Attorneys for Defendants

BAXTER INTERNATIONAL INC., and

BAXTER HEALTHCARE CORPORATION